



Senate

General Assembly

January Session, 2003

File No. 337

Senate Bill No. 973

Senate, April 14, 2003

The Committee on Human Services reported through SEN. HANDLEY of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING THE ADMINISTRATION OF THE CHILD SUPPORT PROGRAM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 17b-90 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2003*):

4 (b) No person shall, except for purposes directly connected with the
5 administration of programs of the Department of Social Services and in
6 accordance with the regulations of the commissioner, solicit, disclose,
7 receive or make use of, or authorize, knowingly permit, participate in
8 or acquiesce in the use of, any list of the names of, or any information
9 concerning, persons applying for or receiving assistance from the
10 Department of Social Services or persons participating in a program
11 administered by said department, directly or indirectly derived from
12 the records, papers, files or communications of the state or its
13 subdivisions or agencies, or acquired in the course of the performance

14 of official duties. [However, the] The Commissioner of Social Services
15 shall disclose (1) to any authorized representative of the Labor
16 Commissioner such information directly related to unemployment
17 compensation, administered pursuant to chapter 567 or information
18 necessary for implementation of sections 17b-688b, 17b-688c and 17b-
19 688h and section 122 of public act 97-2 of the June 18 special session*,
20 (2) to any authorized representative of the Commissioner of Mental
21 Health and Addiction Services any information necessary for the
22 implementation and operation of the basic needs supplement program
23 or for the management of and payment for behavioral health services
24 for applicants for and recipients of general assistance and state-
25 administered general assistance, (3) to any authorized representative
26 of the Commissioner of Administrative Services, or the Commissioner
27 of Public Safety such information as the state Commissioner of Social
28 Services determines is directly related to and necessary for the
29 Department of Administrative Services or the Department of Public
30 Safety for purposes of performing their functions of collecting social
31 services recoveries and overpayments or amounts due as support in
32 social services cases, investigating social services fraud or locating
33 absent parents of public assistance recipients, (4) to any authorized
34 representative of the Commissioner of Children and Families
35 necessary information concerning a child or the immediate family of a
36 child receiving services from the Department of Social Services,
37 including safety net services, if the Commissioner of Children and
38 Families or the Commissioner of Social Services has determined that
39 imminent danger to such child's health, safety or welfare exists to
40 target the services of the family services programs administered by the
41 Department of Children and Families, (5) to a town official or other
42 contractor or authorized representative of the Labor Commissioner
43 such information concerning an applicant for or a recipient of financial
44 or medical assistance under general assistance or state-administered
45 general assistance deemed necessary by said commissioners to carry
46 out their respective responsibilities to serve such persons under the
47 programs administered by the Labor Department that are designed to
48 serve applicants for or recipients of general assistance or state-

49 administered general assistance, [or] (6) to any authorized
50 representative of the Commissioner of Mental Health and Addiction
51 Services for the purposes of the behavioral health managed care
52 program established by section 17a-453, or (7) to a health insurance
53 provider, in IV-D support cases, as defined in section 46b-231,
54 information concerning a child and the custodial parent of such child
55 that is necessary to enroll such child in a health insurance plan
56 available through such provider when the noncustodial parent of such
57 child is under court order to provide health insurance coverage but is
58 unable to provide such information, provided the Commissioner of
59 Social Services determines, after providing prior notice of the
60 disclosure to such custodial parent and an opportunity for such parent
61 to object, that such disclosure is in the best interests of the child. No
62 such representative shall disclose any information obtained pursuant
63 to this section, except as specified in this section. Any applicant for
64 assistance provided through said department shall be notified that, if
65 and when such applicant receives benefits, the department will be
66 providing law enforcement officials with the address of such applicant
67 upon the request of any such official pursuant to section 17b-16a.

68 Sec. 2. Subsections (h) and (i) of section 17b-179 of the general
69 statutes are repealed and the following is substituted in lieu thereof
70 (*Effective October 1, 2003*):

71 (h) The Connecticut Child Support Enforcement Bureau shall
72 provide, or arrange to provide through one or more of the state offices,
73 departments and agencies the same services for obtaining and
74 enforcing child support orders in cases in which children are not
75 beneficiaries of TANF as in cases where children are the beneficiaries
76 of such aid. Such services shall also be made available to residents of
77 other states on the same terms as to residents of this state. Support
78 services in non-TANF support cases will be provided upon application
79 to the Connecticut Bureau of Child Support Enforcement by the person
80 seeking to enforce a child support obligation and the payment of an
81 application fee, [by such person,] pursuant to the provisions of
82 subsection (i) of this section. In addition to the application fee, the

83 Connecticut Child Support Enforcement Bureau may assess costs
84 incurred for the establishment, enforcement or modification of a
85 support order in non-TANF cases. Such assessment shall be based on a
86 fee schedule adopted by the Department of Social Services pursuant to
87 chapter 54. The fee schedule to be charged in non-TANF support cases
88 shall be made available to any individual upon request. The Child
89 Support Enforcement Bureau shall adopt procedures for the
90 notification of Superior Court judges and family support magistrates
91 when a fee has been assessed an obligee for support services and a
92 Superior Court judge or a family support magistrate shall order the
93 obligor to pay any such assessment to the Child Support Enforcement
94 Bureau. In cases where such order is not entered, the obligee shall pay
95 an amount based on a sliding scale not to exceed the obligee's ability to
96 pay. The Department of Social Services shall adopt such sliding scale
97 pursuant to chapter 54.

98 (i) In non-TANF child support cases, the state shall impose an
99 application fee in an amount necessary to comply with federal law and
100 regulations under Title IV-D of the Social Security Act, which fee shall
101 be paid by the state. The amount of such fee shall be established by
102 regulations adopted, in accordance with the provisions of chapter 54,
103 by the Commissioner of Social Services and shall not exceed twenty-
104 five dollars or such higher or lower amount as the Secretary of the
105 Department of Health and Human Services may determine to be
106 appropriate for any fiscal year to reflect increases or decreases in
107 administrative costs. The court in which a child support obligation is
108 sought to be enforced may order the obligor to reimburse the state for
109 such application fee. Recipients of TANF or Medicaid assistance whose
110 eligibility for aid is terminated shall be entitled to continuation of child
111 support enforcement services without requiring an application or the
112 payment of an application fee.

113 Sec. 3. Subsection (c) of section 31-254 of the general statutes is
114 repealed and the following is substituted in lieu thereof (*Effective*
115 *October 1, 2003*):

116 (c) (1) For the purposes of this section, "employer" does not include
117 any department, agency or instrumentality of the United States; or any
118 state agency performing intelligence or counterintelligence functions, if
119 the head of such agency has determined that reporting pursuant to this
120 section with respect to the employee could endanger the safety of the
121 employee or compromise an ongoing investigation or intelligence
122 mission. For the purposes of subsections (b) to (e), inclusive, of this
123 section, the terms "employer" and "employee" shall include persons
124 engaged in the acquisition and rendition, respectively, of independent
125 contractual services, provided the expected value of such services for
126 the calendar year next succeeding the effective date of the contract for
127 such services, is at least five thousand dollars.

128 (2) An employer that has employees who are employed in this state
129 and one or more other states and that transmits reports magnetically or
130 electronically shall not be required to report to this state if such
131 employer has designated another state in which it has employees to
132 which it will transmit reports, provided such employer has notified the
133 Labor Commissioner, in writing, as to which other state it has
134 designated for the purpose of sending such reports.

135 Sec. 4. Section 46b-168a of the general statutes is repealed and the
136 following is substituted in lieu thereof (*Effective October 1, 2003*):

137 (a) In any IV-D support case, as defined in subdivision (13) of
138 subsection (b) of section 46b-231, in which the paternity of a child is at
139 issue, or in any case in which a support enforcement agency is
140 providing services to a petitioner in a proceeding under sections 46b-
141 212 to 46b-213v, inclusive, in which the paternity of a child is at issue,
142 the IV-D agency or the support enforcement agency shall require the
143 child and all other parties other than individuals who have good cause
144 for refusing to cooperate or who are subject to other exceptions to
145 submit to genetic tests which shall mean deoxyribonucleic acid tests, to
146 be performed by a hospital, accredited laboratory, qualified physician
147 or other qualified person designated by such agency, to determine
148 whether or not the putative father or husband is the father of the child,

149 upon the request of any such party, provided such request is
150 supported by a sworn statement by the party which either (1) alleges
151 paternity and sets forth facts establishing a reasonable possibility of
152 the requisite sexual contact between the parties, or (2) denies paternity
153 and sets forth facts establishing a reasonable possibility of the
154 nonexistence of sexual contact between the parties.

155 (b) The costs of making the tests provided by this section shall be
156 paid by the state, provided if the putative father is the requesting party
157 and he is subsequently adjudicated to be the father of the child, he
158 shall be liable to the state for the amount of such costs to the extent of
159 his ability to pay, in accordance with regulations adopted by the
160 Commissioner of Social Services pursuant to subdivision (3) of
161 subsection (c) of this section. Any court or family support magistrate
162 may order such father to pay the state in accordance with this
163 subsection. The contesting party shall make advance payment for any
164 additional testing required in the event of a contest of the original test
165 results.

166 (c) The Commissioner of Social Services shall adopt regulations, in
167 accordance with the provisions of chapter 54, to establish criteria for
168 determining (1) good cause or other exceptions for refusing to
169 cooperate under subsection (a) of this section, which shall include, but
170 not be limited to, domestic violence, sexual abuse and lack of
171 information and shall take into account the best interests of the child,
172 (2) the sufficiency of the facts establishing a reasonable possibility of
173 the existence or nonexistence of the requisite sexual contact between
174 the parties, as required under subsection (a) of this section, and (3) the
175 ability of the requesting party to pay the costs of the genetic tests in
176 accordance with subsection (b) of this section.

177 Sec. 5. Subsection (u) of section 46b-231 of the general statutes is
178 repealed and the following is substituted in lieu thereof (*Effective*
179 *October 1, 2003*):

180 (u) (1) The Department of Social Services may in IV-D cases (A)
181 bring petitions for support orders pursuant to section 46b-215, (B)

182 obtain acknowledgments of paternity, (C) bring applications for show
183 cause orders pursuant to section 46b-172, [and] (D) file agreements for
184 support with the assistant clerk of the Family Support Magistrate
185 Division, and (E) issue withholding orders entered by the Superior
186 Court or a family support magistrate in accordance with subsection (b)
187 of section 52-362, as amended by this act.

188 (2) The Department of Social Services shall provide notice not less
189 than once every three years to the parents subject to a support order in
190 a IV-D case informing the parents of their right to request a review
191 under subdivision (4) of subsection (s) of this section.

192 Sec. 6. Subsections (d) and (e) of section 52-362 of the general
193 statutes are repealed and the following is substituted in lieu thereof
194 (*Effective October 1, 2003*):

195 (d) An obligor may claim a defense based upon mistake of fact, may
196 claim an exemption in accordance with subsection (e) of this section
197 with respect to the withholding order, or may file by motion a
198 modification or defense to the support order being enforced by the
199 withholding, by delivering a signed claim form, or other written notice
200 or motion, with the address of the obligor thereon, indicating the
201 nature of the claim or grounds of the motion, to the clerk of the
202 Superior Court or the assistant clerk of the Family Support Magistrate
203 Division within fifteen days of receipt of notice. [If a claim or motion is
204 filed, imposition of the withholding order shall be stayed until the
205 claim or motion is decided by the court or a family support
206 magistrate.] On receipt of the claim or motion, the clerk shall promptly
207 enter the appearance of the obligor, set the matter for a short calendar
208 hearing, send a file-stamped copy of the claim or motion to the person
209 or agency of the state to whom the support order is payable and notify
210 all parties of the hearing date set. The court or family support
211 magistrate shall promptly hear and determine the claim or motion and
212 notify the obligor within forty-five days from the date of the notice
213 required under subsection (c) of this section of its determination.
214 Unless the obligor successfully shows cause why the withholding

215 order should not continue in effect, the court or family support
216 magistrate shall order that the outstanding withholding order continue
217 in effect against the nonexempt income of the obligor to the extent
218 provided under subsection (e) of this section. The order shall be a final
219 judgment for purposes of appeal. The effect of the withholding order
220 shall not be stayed on appeal except by order of the court or a family
221 support magistrate.

222 (e) A withholding order shall issue in the amount necessary to
223 enforce a support order against only such nonexempt income of the
224 obligor as exceeds the greater of (1) eighty-five per cent of the first one
225 hundred forty-five dollars per week of disposable income, or (2) the
226 amount exempt under Section 1673 of Title 15 of the United States
227 Code, or against any lesser amount which the court or family support
228 magistrate deems equitable. The withholding order shall secure
229 payment of past and future amounts due under the support order and
230 an additional amount computed in accordance with the child support
231 guidelines established in accordance with section 46b-215a, to be
232 applied toward liquidation of any arrearage accrued under such order,
233 unless contested by the obligor after a notice has been served pursuant
234 to subsection (c) of this section, in which case the court or family
235 support magistrate may determine the amount to be applied toward
236 the liquidation of the arrearage found to have accrued under prior
237 order of the court or family support magistrate. In no event shall such
238 additional amount be applied if there is an existing arrearage order
239 from the court or family support magistrate in a IV-D support case, as
240 defined in subdivision (13) of subsection (b) of section 46b-231. Any
241 investigator or other authorized employee of the Bureau of Child
242 Support Enforcement within the Department of Social Services, or any
243 officer of Support Enforcement Services of the Superior Court, may
244 issue a withholding order entered by the Superior Court or a family
245 support magistrate pursuant to subsection (b) of this section, and shall
246 issue a withholding order pursuant to this subsection when the obligor
247 becomes subject to withholding under subsection (c) of this section. On
248 service of the order of withholding on an existing or any future
249 employer or other payer of income, and until the support order is fully

250 satisfied or modified, the order of withholding is a continuing lien and
 251 levy on the obligor's income as it becomes due.

252 Sec. 7. Subsection (p) of section 52-362 of the general statutes is
 253 repealed and the following is substituted in lieu thereof (*Effective*
 254 *October 1, 2003*):

255 (p) All withholding orders issued under this section shall be payable
 256 to the state disbursement unit established and maintained by the
 257 Commissioner of Social Services in accordance with subsection (j) of
 258 section 17b-179. The state disbursement unit shall insure distribution
 259 of all money collected under this section to the dependent, the state
 260 and the support enforcement agencies of other states, as their interests
 261 may appear, within two business days. Each dependent who is not
 262 receiving child support enforcement services, as defined in subsection
 263 (b) of section 46b-231, shall be notified upon the issuance of a
 264 withholding order pursuant to this section, that such services are
 265 offered free of charge by the State of Connecticut upon application to
 266 the Bureau of Child Support Enforcement within the Department of
 267 Social Services.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>

HS *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Department of Social Services	GF - Revenue Gain	Potential	Potential
Department of Social Services	GF - Savings	Potential Significant	Potential Significant

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill makes numerous changes to the Child Support Enforcement program in order to bring it into compliance with federal requirements. Several of these changes have no direct fiscal impact. However, the bill allows the Department of Social Services (DSS) to market IV-D collections services to those clients who are only receiving services to have the non-IV-D income withholding payable through the State Disbursement Unit. This may result in a small revenue increase through higher federal incentive payments. The bill also expands the new hire reporting requirements to include independent contractors with contracts in excess of \$5,000 with any single entity. This also may expand revenue through increased collections. The extent of these increased revenues cannot be determined at this time.

The bill also allows judges to order a man found to be a child's father in a contested paternity case to repay the costs of the DNA testing, which is \$150, if the test is ordered by the state. This could result in significant savings to the state, depending on the extent of these judicial orders. DSS paid \$184,837 in FY02 for blood test in paternity actions.

OLR Bill Analysis

SB 973

AN ACT CONCERNING THE ADMINISTRATION OF THE CHILD SUPPORT PROGRAM**SUMMARY:**

This bill makes numerous changes in the child support enforcement program administered by the Bureau of Child Support Enforcement (BCSE) within the Department of Social Services (DSS). It:

1. makes the state, rather than applicants, responsible for the application fee for BCSE services;
2. requires some families who receive child support payments through the state disbursement unit to get notice that BCSE offers free services;
3. allows court support enforcement personnel to require paternity testing in interstate child support cases, rather than only in in-state cases;
4. expands the powers of judges and magistrates to order fathers to pay for paternity tests;
5. imposes new hire reporting obligations on certain independent contractor arrangements;
6. permits BCSE investigators to issue income withholding orders as soon as a judge or magistrate orders them, rather than only at the custodial parent's request or upon delinquency;
7. eliminates automatic stays on income withholding orders currently triggered by court filings challenging the order; and
8. allows DSS to disclose to health insurers otherwise confidential information about certain families receiving BCSE services when the noncustodial parent needs it to comply with a court order directing him to enroll the child in a health insurance plan (e.g.,

HUSKY).

EFFECTIVE DATE: October 1, 2003

BCSE APPLICATION FEE ELIMINATED

BCSE offers to families who have never requested BCSE enforcement services, had a child placed in foster care, or received assistance under various federally funded programs ("non-IV-D") the same services it offers to families who have ("IV-D"). Currently, non-IV-D families pay \$25 when they apply for these services. Under the bill, the state pays the fee.

Notice of Free Services

The bill requires non-IV-D families who receive child support payments through DSS's disbursement unit but have not applied for BCSE support enforcement services to be notified that the bureau offers these services at no charge. The notice must be given when an income withholding order issued for a noncustodial parent directs the funds to be sent to the disbursement unit.

PATERNITY TESTING

Interstate Cases

The bill allows court support enforcement personnel to require genetic testing to determine the paternity of a child when the putative father lives in Connecticut but the child and parent live elsewhere. Currently, they have this authority only when all of the parties live in Connecticut.

Paternity Test Costs

The bill authorizes judges and family support magistrates to order a man who requests paternity testing and is found to be a child's father to repay the state's costs of DNA testing. Under the bill as under current law, the extent of a father's repayment obligation takes into consideration his ability to pay.

NEW HIRE REPORTING OBLIGATIONS

The bill requires people who acquire independent contractors to perform services in Connecticut to notify the Department of Labor, in

most cases, within 20 days of doing so. The expected value of the contract must be at least \$5,000 for the calendar year following its effective date. Reports must contain information and be in the format the labor commissioner prescribes.

By law and regulation, the Labor Department maintains a directory of new hires, but the directory does not currently include independent contractors. Agency officials periodically check the registry to identify people who are responsible for paying child support.

WAGE WITHHOLDING ORDERS

The bill permits DSS support investigators, in IV-D cases, to issue withholding orders as soon as a judge or magistrate orders this. Currently, they cannot do so unless (1) a custodial parent requests it or (2) the obligor falls at least 30 days behind in making court-ordered payments.

Elimination of Automatic Stay

Currently, a person responsible for paying child support who is given notice of the issuance of an income withholding order has 15 days to challenge it in court. If he files a court challenge, the entity which has been directed to withhold funds must stop doing so until a judge or magistrate resolves the dispute.

The bill does not change existing procedures for disputing such orders, but specifies that filing the papers does not suspend enforcement.

DSS DISCLOSURES

With some exceptions, current law makes information about people who apply for or receive benefits in programs DSS administers confidential. The bill authorizes the department to disclose information about a child and his custodial parent to a health insurance provider when the noncustodial parent is under court order to insure the child but is unable to provide the information.

The bill's provisions apply to IV-D support cases only, and require the DSS commissioner to determine that disclosure is in the child's best interests. Before making this determination or disclosing the information, she must give the custodial parent notice and an

opportunity to object.

BACKGROUND

Related Bills

SB 974 provides additional administrative remedies for delinquent child support collections and sHB 6489 enhances court support enforcement procedures. The Human Services Committee favorably reported both bills.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Report

Yea 18 Nay 0